

HOUSE BILL 825
By Johnson P

AN ACT to amend Tennessee Code Annotated, Title 71,
Chapter 5, relative to disqualifying certain
TennCare enrollees from participation in medical
assistance.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 71-5-2601(b)(2), is amended by
deleting the subdivision in its entirety and by substituting instead the following:

(2)

(A) In addition to any other penalties provided under this section, the court may also, to the full extent permitted by federal law and the TennCare waiver as interpreted by the CMS, as defined in § 71-5-2503, order any such person or entity disqualified from participation in the medical assistance program; such disqualification may also apply to any person who is convicted of a criminal offense involving the selling of prescription drugs obtained through the TennCare program. Any person or entity disqualified from participation in the medical assistance program shall make restitution in the total amount of the medical assistance or underpayment which forms the basis for the conviction before such person or entity can re-enroll in the TennCare program.

(B) In addition to any other penalties provided by law, the court shall also, to the full extent permitted by federal law and the TennCare waiver as interpreted by the CMS, order the permanent disqualification of any person enrolled in the medical assistance program, including the TennCare waiver, who is convicted of a criminal offense involving the selling of prescription drugs obtained through that program. Payment of restitution under subdivision (b)(2)(A) shall not permit such person to re-enroll in the program.

SECTION 2. This act shall take effect July 1, 2005, the public welfare requiring it.